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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,643	11/08/2001	David M. Beausoleil		1861

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Richard A. Catalina, Jr., Esq.  
CATALINA & ASSOCIATES  
167 Avenue at the Common  
Suite 9, Second Floor  
Shrewsbury, NJ 07702

EXAMINER

GREEN, BRIAN

ART UNIT PAPER NUMBER

3611

DATE MAILED: 07/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/006,643

Applicant(s)

BEAUSOLEIL, DAVID M.

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of group I (claims 1-26) in Paper No. 5 is acknowledged.

Claim 27 has been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in Paper No. 5.

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the at least screw defined in claims 11 and 23 and the adhesive material defined in claims 12 and 24 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

The abstract of the disclosure is objected to because it should be in single paragraph format. The abstract is also objected to since it contains more than 150 words which is improper. The abstract is also objected to since on lines 2,3, and 6, the word "invention" is used which is improper. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,11/1-2,12/1-2,13,14,23/13-14, and 24/13-14 are rejected under 35

U.S.C. 102(e) as being anticipated by Katwala (U.S. Patent No. 6,254,967).

Katwala shows in figures 1-9 a marking plate (12 or 112) including an information template (see the indicia on the plate, figures 6 and 9) comprised of an organized array, and means (screws and adhesive) for securing the plate. In regard to claim 2, the plate is made from a non-corrosive material (polyester film). In regard to claims 11,12,23, and 24, the plate (12) is secured with screws (54) and adhesive, see column 3, lines 10-15.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katwala (U.S. Patent No. 6,254,967).

Katwala discloses the applicant's basic inventive concept except for the specific electrical information placed upon the tag. It would have been obvious to one in the art to modify Katwala

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by varying the indicia placed on the tag since this would allow the tag to be used on a wider variety of electrical devices and would allow the information to be specific with regard to the article upon which it is attached.

Claims 1-3,8, (9/1-3,8), 13-15,20, (21/13-15,20),25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafner in view of Baehrle, Jr. (U.S. Patent No. 3,535,810).

Hafner et al. shows in figures 1-4 a marking plate (11) including an information template (see the indicia on the plate, figures 1 and 39) comprised of an organized array. Hafner does not disclose the idea of using a securing means to secure the marking plate. Baehrle, Jr. shows in figures 1-4 a securing means (2) for securing a display to a support surface. In view of the teachings of Baehrle, Jr. it would have been obvious to one in the art to modify Hafner by attaching a securing means to the marking plate since this would allow the marking plate to be attached in a desired surface in an easier and faster manner. In regard to claims 2 and 3, the plate includes stainless steel. In regard to claims 9/1-3,8, the securing means (2) is considered to be a clasp and it considered to have been obvious to one in the art to make the clasp in the shape of a ring since the clasp could be made in any shape as desired and ring –shaped clasps are conventional in the art. In regard to claims 13,25, and 2 Hafner et al. does not disclose placing electrical information on the plate as defined. Hafner et al. discloses the idea of placing information on the plate that is relevant to the article upon which it is attached. It is considered within one skilled in the art to attach the metal tag to any type of article as desired, including electrical appliances which is well known. It would have been obvious to one in the art to place electrical information on the tag of Hafner since this would allow the tag to provide information

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about an electrical device upon which it is attached, i.e. it would allow the tag to be used on electrical appliances.

Claims 4,9/4,16, and 21/16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafner in view of Baehrle, Jr. (U.S. Patent No. 3,535,810) as applied to claims 1 and 3 above and further in view of Caveney et al. (U.S. Patent No. 5,402,592).

Hafner in view of Baehrle, Jr. disclose the applicant's basic inventive concept except for forming the indicia with paint. Caveney et al. discloses in column 2, lines 45-47 the idea of painting on the indicia. In view of the teachings of Caveney et al. it would have been obvious to one in the art to modify Hafner by painting on the indicia since this would make the indicia and tag more aesthetically pleasing.

Claims 5,9/5,17, and 21/17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafner in view of Baehrle, Jr. (U.S. Patent No. 3,535,810) as applied to claims 1 and 3 above and further in view of Graham (U.S. Patent No. 3,782,017).

Hafner in view of Baehrle, Jr. disclose the applicant's basic inventive concept except for forming the indicia by engraving. Graham discloses in column 3, lines 45-50 the idea of forming the indicia by engraving. In view of the teachings of Graham it would have been obvious to one in the art to modify Hafner by engraving the indicia since this would make the indicia and tag more aesthetically pleasing and more durable.

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Claims 6,9/6,18, and 21/18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafner in view of Baehrle, Jr. (U.S. Patent No. 3,535,810) as applied to claims 1 and 3 above and further in view of Robertson (U.S. Patent No. 5,855,969).

Hafner in view of Baehrle, Jr. disclose the applicant's basic inventive concept except for forming the indicia by laser etching. Robertson discloses in column 1, lines 65-67 and column 2, lines 1-25 the idea of forming the indicia by laser etching. In view of the teachings of Robertson it would have been obvious to one in the art to modify Hafner by forming the indicia by laser etching since this would make the indicia and tag more aesthetically pleasing.

Claims 7,9/7,19, and 21/19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafner in view of Baehrle, Jr. (U.S. Patent No. 3,535,810) as applied to claims 1 and 3 above and further in view of Samonides (U.S. Patent No. 5,346,738).

Hafner in view of Baehrle, Jr. disclose the applicant's basic inventive concept except for forming the indicia by acid etching. Samonides discloses in column 2, lines 43-60 the idea of forming the indicia by acid etching. In view of the teachings of Samonides it would have been obvious to one in the art to modify Hafner by forming the indicia by acid etching since this would make the indicia and tag more aesthetically pleasing.

Claims 1-3,8, (10/1-3,8), 13-15,20, (22/13-15,20),25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafner in view of Bien (U.S. Patent No. 3,383,784).

Hafner et al. shows in figures 1-4 a marking plate (11) including an information template (see the indicia on the plate, figures 1 and 39) comprised of an organized array. Hafner

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does not disclose the idea of using a securing means to secure the marking plate. Bien shows in figures 1-7 a securing means (32,34) for securing a display to a support surface. In view of the teachings of Bien it would have been obvious to one in the art to modify Hafner by attaching a securing means to the marking plate since this would allow the marking plate to be attached in a desired surface in an easier and faster manner. In regard to claims 2 and 3, the plate includes stainless steel. In regard to claims 10/1-3,8, the securing means (32,342) are rivets. In regard to claims 13,25, and 26, Hafner et al. does not disclose placing electrical information on the plate as defined. Hafner et al. discloses the idea of placing information on the plate that is relevant to the article upon which it is attached. It is considered within one skilled in the art to attach the metal tag to any type of article as desired, including electrical appliances which is well known. It would have been obvious to one in the art to place electrical information on the tag of Hafner since this would allow the tag to provide information about an electrical device upon which it is attached, i.e. it would allow the tag to be used on electrical appliances.

Claims 4,10/4,16, and 22/16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafner in view of Bien (U.S. Patent No. 3,383,784) as applied to claims 1 and 3 above and further in view of Caveney et al. (U.S. Patent No. 5,402,592).

Hafner in view of Bien disclose the applicant's basic inventive concept except for forming the indicia with paint. Caveney et al. discloses in column 2, lines 45-47 the idea of painting on the indicia. In view of the teachings of Caveney et al. it would have been obvious to one in the art to modify Hafner by painting on the indicia since this would make the indicia and tag more aesthetically pleasing.



Claims 5,10/5,17, and 22/17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafner in view of Bien (U.S. Patent No. 3,383,784) as applied to claims 1 and 3 above and further in view of Graham (U.S. Patent No. 3,782,017).

Hafner in view of Bien disclose the applicant's basic inventive concept except for forming the indicia by engraving. Graham discloses in column 3, lines 45-50 the idea of forming the indicia by engraving. In view of the teachings of Graham it would have been obvious to one in the art to modify Hafner by engraving the indicia since this would make the indicia and tag more aesthetically pleasing and more durable.

Claims 6,10/6,18, and 22/18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafner in view of Bien (U.S. Patent No. 3,383,784) as applied to claims 1 and 3 above and further in view of Robertson (U.S. Patent No. 5,855,969).

Hafner in view of Bien disclose the applicant's basic inventive concept except for forming the indicia by laser etching. Robertson discloses in column 1, lines 65-67 and column 2, lines 1-25 the idea of forming the indicia by laser etching. In view of the teachings of Robertson it would have been obvious to one in the art to modify Hafner by forming the indicia by laser etching since this would make the indicia and tag more aesthetically pleasing.

Claims 7,10/7,19, and 22/19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafner in view of Bien (U.S. Patent No. 3,383,784) as applied to claims 1 and 3 above and further in view of Samonides (U.S. Patent No. 5,346,738).

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Hafner in view of Bien disclose the applicant's basic inventive concept except for forming the indicia by acid etching. Samonides discloses in column 2, lines 43-60 the idea of forming the indicia by acid etching. In view of the teachings of Samonides it would have been obvious to one in the art to modify Hafner by forming the indicia by acid etching since this would make the indicia and tag more aesthetically pleasing.

Claims 1-3,8, (11/1-3,8), 13-15,20,(23/13-15,20),25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafner in view of Hough (U.S. Patent No. 1,429,347).

Hafner et al. shows in figures 1-4 a marking plate (11) including an information template (see the indicia on the plate, figures 1 and 39) comprised of an organized array. Hafner does not disclose the idea of using a securing means to secure the marking plate. Hough shows in figures 1-5 a securing means (D) for securing a display to a support surface. In view of the teachings of Hough it would have been obvious to one in the art to modify Hafner by attaching a securing means to the marking plate since this would allow the marking plate to be attached in a desired surface in an easier and faster manner. In regard to claims 2 and 3, the plate includes stainless steel. In regard to claims 11/1-3,8, the securing means (D) is a screw. In regard to claims 13,25, and 26, Hafner et al. does not disclose placing electrical information on the plate as defined. Hafner et al. discloses the idea of placing information on the plate that is relevant to the article upon which it is attached. It is considered within one skilled in the art to attach the metal tag to any type of article as desired, including electrical appliances which is well known. It would have been obvious to one in the art to place electrical information on the tag of Hafner

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since this would allow the tag to provide information about an electrical device upon which it is attached, i.e. it would allow the tag to be used on electrical appliances.

Claims 4,11/4,16, and 23/16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafner in view of Hough (U.S. Patent No. 1,429,347) as applied to claims 1 and 3 above and further in view of Caveney et al. (U.S. Patent No. 5,402,592).

Hafner in view of Hough disclose the applicant's basic inventive concept except for forming the indicia with paint. Caveney et al. discloses in column 2, lines 45-47 the idea of painting on the indicia. In view of the teachings of Caveney et al. it would have been obvious to one in the art to modify Hafner by painting on the indicia since this would make the indicia and tag more aesthetically pleasing.

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Claims 1-3,8, (12/1-3,8), 13-15,20,(24/13-15,20),25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafner in view of Hansen (U.S. Patent No. 6,159,569).

Hafner et al. shows in figures 1-4 a marking plate (11) including an information template (see the indicia on the plate, figures 1 and 39) comprised of an organized array. Hafner

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does not disclose the idea of using a securing means to secure the marking plate. Hansen shows in figures 1-7 a securing means (34) for securing a display to a support surface. In view of the teachings of Hansen it would have been obvious to one in the art to modify Hafner by attaching a securing means to the marking plate since this would allow the marking plate to be attached in a desired surface in an easier and faster manner. In regard to claims 2 and 3, the plate includes stainless steel. In regard to claims 12/1-3,8, the securing means (34) is an adhesive. In regard to claims 13,25, and 26, Hafner et al. does not disclose placing electrical information on the plate as defined. Hafner et al. discloses the idea of placing information on the plate that is relevant to the article upon which it is attached. It is considered within one skilled in the art to attach the metal tag to any type of article as desired, including electrical appliances which is well known. It would have been obvious to one in the art to place electrical information on the tag of Hafner since this would allow the tag to provide information about an electrical device upon which it is attached, i.e. it would allow the tag to be used on electrical appliances.

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Hafner in view of Hansen disclose the applicant's basic inventive concept except for forming the indicia by laser etching. Robertson discloses in column 1, lines 65-67 and column 2, lines 1-25 the idea of forming the indicia by laser etching. In view of the teachings of Robertson it would have been obvious to one in the art to modify Hafner by forming the indicia by laser etching since this would make the indicia and tag more aesthetically pleasing.

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Hafner in view of Hansen disclose the applicant's basic inventive concept except for forming the indicia by acid etching. Samonides discloses in column 2, lines 43-60 the idea of forming the indicia by acid etching. In view of the teachings of Samonides it would have been obvious to one in the art to modify Hafner by forming the indicia by acid etching since this would make the indicia and tag more aesthetically pleasing.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Robertson '234, Romberger, Neal et al., and G.B. '007 teach the use of tags attached to electrical devices. Morris, Wiegandt, and Cheresko teach the use of tags attached to devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.

  
BRIAN K. GREEN  
PRIMARY EXAMINER

bkg

July 17, 2003